

JAN 02 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 12-90000, 12-90001,
12-90002 and 12-90003

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that three circuit judges and a magistrate judge failed to rule on issues relating to complainant's right to counsel and right to represent himself. These allegations relate directly to the merits of the judges' ruling and are therefore dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

The Council dismissed a previous judicial misconduct complaint filed by complainant that was based on similar issues and also claimed that the same judges are mentally disabled. See In re Complaint of Judicial Misconduct, Nos. 11-90104+ (9th Cir. Jud. Council Aug. 23, 2011). Further misconduct complaints presenting fundamentally the same allegations may be summarily dismissed as frivolous. Judicial-Conduct Rule 11(c)(1)(C). Moreover, complainant is cautioned that a "complainant who has filed repetitive, harassing, or frivolous complaints, or

has otherwise abused the complaint procedure, may be restricted from filing further complaints.” Judicial-Conduct Rule 10(a).

DISMISSED.